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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,218	11/30/2001	Felix Baum	032660-073	2557

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EXAMINER

NGUYEN, THANH (TAMMY) T

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/997,218

**Applicant(s)**

BAUM, FELIX

**Examiner**

Tammy T Nguyen

**Art Unit**

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/4/05</u> | 6) <input type="checkbox"/> Other: _____  |



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**Detailed Office Action**

1. This action is in response to the application **09/997,218** filed **Nov 30, 2001**.
2. Claims **1-43** have been examined.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Objections***

4. Claim 10 is objected to because of the following informalities Applicants are required to spell out the term TV. Appropriate correction is required.
5. Claim number 5 is missing in the application. Applicants are required to renumber of claim in the next response of this office action.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Michel K.

Bowman-Amuah. (USPN 6,697,824 – Date of Patent: February 24, 2004, herein referred to as “Bowman-Amuah”).

8. As to claim 1, Bowman-Amuah teaches the invention as claimed, including a method comprising: obtaining demographic data concerning users, the demographic data including data for a number of profile categories (see col.43, lines 40-67, col.49, lines 9-63); at a client unit, producing a media and rating indication display, the rating information display indicating a user's rating of an element in the media (see col.21, line 65 to col.22, line 13, col.46, lines 10-30, col.52, lines 7-25, and col.67, lines 7-28); at the client unit, receiving rating information from a user and transmitting the rating information to a server across a network (Fig.41, client 4100 transmit information to web server 4102 across a network) (see col.74, lines 5-45, and col.81, lines 10-25); selecting at least one indication for at least one profile category to determine a grouping of

multiple users (see col.49, line 9 to col.50, line 50 line 47); and combining the rating information from the multiple users (see col.48, line 45 to col.49, line 45, and col.85, lines 15-25)(user profile attributes have been identified, and used to gather information, managing a plurality of different contents).

9. As to claim 2, Bowman-Amuah teaches the invention as claimed, wherein one of the profile categories is gender (see col.49, lines 30-39, and col.43, line 40 to col.44, line 20).
10. As to claim 3, Bowman-Amuah teaches the invention as claimed, wherein one of the profile categories is political party affiliation (see col.44, lines 20-35, col.48, lines 45-65).
11. As to claim 4, Bowman-Amuah teaches the invention as claimed, further comprising the step of displaying the combined rating information (see col.48, line 65 to col.49, line 39).
12. As to claim 6, Bowman-Amuah teaches the invention as claimed, wherein the selecting step is done at an analysis unit (see col.46, lines 15-30).
13. As to claim 7, Bowman-Amuah teaches the invention as claimed, further comprising the step of displaying the combined rating and the media at the analysis unit (see col.46, lines 1-30, and col.85, lines 15-25).
14. As to claim 8, Bowman-Amuah teaches the invention as claimed, wherein the combining step is done at a server (Fig.41, client 4100 transmit information to web server 4102 across a network) (see col.74, lines 5-45, and col.81, lines 10-25);
15. As to claim 9, Bowman-Amuah teaches the invention as claimed, wherein the media comprises video (see col.21, line 65 to col.22, line 13).
16. As to claim 10, Bowman-Amuah teaches the invention as claimed, wherein the media is obtained from a TV signal (see col.64, lines 1-27).

17. As to claim 11, Bowman-Amuah teaches the invention as claimed, wherein the media signal is obtained from a storage medium (see col.31, lines 49-67).
18. As to claim 12, Bowman-Amuah teaches the invention as claimed, wherein the network is the Internet (Fig.41, internet).
19. As to claim 13, Bowman-Amuah teaches the invention as claimed, wherein the client unit is a unit that can obtain web page information from the Internet (Fig.41 client 4100 obtain web page from Internet).
20. As to claim 14, Bowman-Amuah teaches the invention as claimed, wherein the combining step includes weighting individual users to obtain a weighted rating (see col.61, line 65 to col.62, line 12).
21. As to claim 15, Bowman-Amuah teaches the invention as claimed, wherein the weights are used to make the responses more accurately fit the demographic of a target population (see col.54, line 62 to col.55, line 4).
22. As to claim 16, Bowman-Amuah teaches the invention as claimed, wherein the target population is the general public (see col.55, lines 15-32).
23. As to claim 17, Bowman-Amuah teaches the invention as claimed, wherein an administrative application program controls the rate at which data is transmitted from the client unit to the server (see col.69, lines 60-67).
24. As to claim 18, Bowman-Amuah teaches the invention as claimed, wherein the administrative application uses the control of the data transmission rate to throttle the number of connections that reach the server per time period (see col.37, lines 15-36).

25. As to claim 19, Bowman-Amuah teaches the invention as claimed, wherein an administrative application program controls the start time and end time of ratings collection (see col.59, lines 20-40).
26. As to claim 20, Bowman-Amuah teaches the invention as claimed, wherein the demographic group results from a number of selections in the users' demographic profile (see col.43, lines 40-67; and col.49, lines 30-63).
27. As to claim 21, Bowman-Amuah teaches the invention as claimed, including an apparatus comprising: a client unit adapted to produce a media and rating indication display, the rating information display indicating a user's rating of an element in the media, the client unit adapted to receive the rating information from a user and transmit the rating information to a server across a network (see col.21, line 65 to col.22, line 13, col.46, lines 10-30, col.52, lines 7-25, and col.67, lines 7-28); (Fig.41, client 4100 transmit information to web server 4102 across a network) (see col.74, lines 5-45, and col.81, lines 10-25); and an analysis unit at another location having access to demographic data for a number of profile categories, the analysis unit adapted to determine a grouping of multiple users from a selection of at least one indication for at least one profile category (see col.49, line 9 to col.50, line 50 line 47), the analysis unit further adapted to combine the rating information from the server for the multiple users (see col.48, line 45 to col.49, line 45, and col.85, lines 15-25)(user profile attributes have been identified, and used to gather information, managing a plurality of different contents).
28. As to claim 22, Bowman-Amuah teaches the invention as claimed, wherein the combining includes using weights (see col.61, line 65 to col.62, line 12).

29. As to claim 23, Bowman-Amuah teaches the invention as claimed, wherein the client unit can access the Internet (Fig.41, internet).
30. As to claim 24, Bowman-Amuah teaches the invention as claimed, wherein the server provides web page information to the client (Fig.41, client 4100 transmit information to web server 4102 across a network).
31. As to claim 25, Bowman-Amuah teaches the invention as claimed, wherein the web page information includes an application program that can be run at the client unit (see col.5, lines 1-45).
32. As to claim 26, Bowman-Amuah teaches the invention as claimed, wherein an application program controls the storing and caching of the rating data, as well as the transmitting of the rating data to the server (Fig.41, client 4100 transmit information to web server 4102 across a network) (see col.74, lines 5-45, and col.81, lines 10-25).
33. As to claim 27, Bowman-Amuah teaches the invention as claimed, wherein the media comprises video (see col.21, line 65 to col.22, line 13).
34. As to claim 28, Bowman-Amuah teaches the invention as claimed, wherein the analysis unit is adapted to produce a display of the combined information and the media (see col.21, line 21 to col.22, line 14, and col.85, lines 19-35).
35. As to claim 29, Bowman-Amuah teaches the invention as claimed, including a method comprising: at a client unit, receiving from a server a time indication at a first time (see col.81, lines 5-36); producing data concerning an event at a second time (see col.82, lines 21-67), and transmitting that data along with the time indication to the server across a



network wherein a difference indication is produced at the server or client unit indicating the difference between first and second time (see col.83, lines 1-32).

36. As to claim 30, Bowman-Amuah teaches the invention as claimed, wherein the event is an event that occurs during a media presentation (col.8, lines 16-55).

37. As to claim 31, Bowman-Amuah teaches the invention as claimed, wherein the media presentation is a video presentation (see col.40-67).

38. As to claim 32, Bowman-Amuah teaches the invention as claimed, wherein the data comprises rating information (see col.46, lines 1-31).

39. As to claim 33, Bowman-Amuah teaches the invention as claimed, wherein the difference indication is transmitted from the client unit to the server (Fig.41, client 4100 transmit information to web server 4102 across a network) (see col.74, lines 5-45, and col.81, lines 10-25).

40. As to claim 34, Bowman-Amuah teaches the invention as claimed, wherein the client unit transmits information to the server that allows the server to calculate the difference indication (see col.61, lines 22-59).

41. As to claim 35, Bowman-Amuah teaches the invention as claimed, wherein the data comprises rating information concerning a media display (see col.46, lines 10-31).

42. As to claim 36, Bowman-Amuah teaches the invention as claimed, wherein the client unit produces a media and rating indication display, the rating information display indicating a user's rating of an element in the media (see col.46, lines 10-31, and col.49, lines 1-10).

43. As to claim 37, Bowman-Amuah teaches the invention as claimed, including an apparatus comprising: a server adapted to send a time indication to a client at a first time (see

col.81, lines 5-36); producing data concerning an event at a second time (see col.82, lines 21-67), the client adapted to transmit the data along with the time indication and the difference indication to the server across a network wherein either the server or the client unit is adapted to produce a difference indication of the difference between the first and second time (see col.83, lines 1-32).

44. As to claim 38, Bowman-Amuah teaches the invention as claimed, wherein the event comprises an event that occurs during a media presentation (col.8, lines 16-55).
45. As to claim 39, Bowman-Amuah teaches the invention as claimed, wherein the media presentation is a video presentation (see col.40-67).
46. As to claim 40, Bowman-Amuah teaches the invention as claimed, wherein the event is a rating information concerning a media presentation (see col.46, lines 1-31).
47. As to claim 41, Bowman-Amuah teaches the invention as claimed, wherein the client unit is adapted to produce a media and rating indication display; the rating information display indicating the user's rating of an element in the media (see col.46, lines 10-31).
48. As to claim 42, Bowman-Amuah teaches the invention as claimed, wherein the time difference indication is transmitted from the client unit to the server (Fig.41, client 4100 transmit information to web server 4102 across a network) (see col.74, lines 5-45, and col.81, lines 10-25).
49. As to claim 43, Bowman-Amuah teaches the invention as claimed, wherein the client unit transmits information to the server that allows the server to calculate the difference indication (see col.61, lines 22-59).

Art Unit: 2144

***Conclusion***

50. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at **(571) 272-3905**.

*TTN*

January 14, 2005

MARC D. THOMPSON  
**MARC THOMPSON**  
PRIMARY EXAMINER